UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,563	03/31/2001	Carolyn Ramsey Catan	US010154***	6354

24737   7590   10/20/2005

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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)	
Advisory Action *Before the Filing of an Appeal Brief*		09/823,563	CATAN, CAROLYN RAMSEY	
		Examiner	**Art Unit**	
		Mohammad A. Siddiqi	2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 September 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.
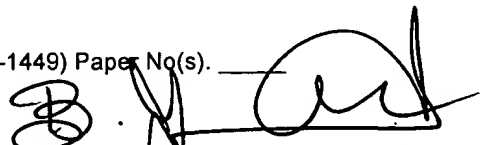
     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>*NONE*</u>.

   Claim(s) objected to: <u>*NONE*</u>.

   Claim(s) rejected: <u>*1-3 and 5-17*</u>.

   Claim(s) withdrawn from consideration: <u>*NONE*</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

   11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:
Gazdzinski discloses a system for identifying and selecting at least one data resource in a data store, said system comprising:
an machine-readable reader system (col 4, lines 5-20) with a user interface for reading MRL data from an MRL (MRL is interpreted as RFID tag and reader system, col 4, lines 5-20; col 7, lines 27-29); at least one processor (106, fig 15) connected to said MRL MRL (MRL is interpreted as RFID tag and reader system, col 4, lines 5-20; col 7, lines 27-29) reader for receiving MRL data from said MRL (1502, 1504, fig 15) , and for controlling and receiving data from said user interface (Personal electronic device, col 3, lines 19-43, col 4,lines 5-20); said at least one processor being programmed to generate a query for use in searching said resource base responsively to said MRL data (col 7, lines 27-29, col 3, lines 19-43, col 4,lines 5-20); said at least one processor being programmed to generate a query to identify at least (reader interrogate any RFID tags, col 19, lines 4-8) one resource matching said query and determine a confidence (col 9, lines 50-54) level of said matching (col 9, lines 25-54); and said at least one processor being programmed such that when said confidence level (col 9, lines 50-55) is lower than a predetermined (col 9, line 10) confidence level (col 9, lines 45-65), said at least one processor receives input from said user interface defining a new resource and stores (col 6, line 25) said new resource in said resource base or another resource base (col 9, lines 45-65; col 21, lines 62-67, appended on the library entry for the first word), wherein said at least one processor is programmed such that when said confidence level is lower than said predetermined confidence level (confidence rating is calculated, col 9, lines 50-60), said at least one processor identifies a resource not matching (col 9, lines 50-60) said query by substituting a term in said query that identifies one of an object associated with said reader (col 19, lines 1-15), an object associated with an MRL, or another term and searches responsively to said query for a resource and, upon finding said resource, generates an output responsive thereto (col 3, lines 19-43, col 4, lines 5-20, col 9, lines 45-67, col 10, lines 1-12). Although Gazdzinski shows substantial features of the claimed invention including reader system, RFID tag, and internet/intranet accessible information base. Gazdzinski does not explicitly teach a machine-readable label (MRL), user interface for reading MRL data from an MRL. "Official Notice" is taken that both the concept and advantages of providing RFID tag/Smart technology based device can provides scanning from greater distances than bar code scanning (support for the official notice can be found in the back ground of the specification of the instant application, page 2). It would have been an obvious modification to the system disclosed by Gazdzinski to use RFID tag system interface and process information from remotely stored resource base.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

During patent examination, the pending claims must be given their broadest reasonable interpretation consistent with specification. See MPEP.